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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,379	06/20/2003	Steve B. Taylor	2236.001	7549

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Ray R. Regan, Esq.
Law Office of Ray R. Regan, P.A.
P.O. Box 1442
Corrales, NM 87048

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliance With 37 CFR 1.192(c)	Application No. 10/600,379	Applicant(s) TAYLOR, STEVE B.	
	Examiner Victor MacArthur	Art Unit 3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on _____ is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 9. Other (including any explanation in support of the above items): The amended appeal brief filed on 7/20/2004 does not overcome all the reasons for non-compliance stated in the notification filed on 6/30/2004. The brief still contains one or more claims that are listed as standing or falling together but are argued separately. For instance, claims 16-18 are listed as standing or falling with claim 1 in the Grouping of Claims section but are argued separately on page 8 of the Arguments section.

Also, as stated in the 6/30/2004 Notification of Non-Compliance, claims 14-15 are addressed in a separate section only to refer to arguments already made for claim 11. The examiner notes that the grouping of claims has been changed to list claim 14 as standing or falling separately but that the arguments section has not been changed to include arguments drawn towards claim 14 that were not already made for claim 11. If a claim is to stand or fall separately it must be addressed separately and sufficient argument given (i.e. why can't claims 14-15 stand or fall with claim 11?). If a claim is not to stand or fall separately then it should not be addressed separately in the arguments. It appears that the applicant has no separate argument for claims 14 and 15 and that they should stand or fall with claim 11 and not be addressed separately in the arguments.

Furthermore, the Grouping of Claims section of the 7/20/2004 Appeal Brief states that claims 6-10 stand or fall with claim 1. However, they are argued as standing or falling with claim 11 (see page 14 of Arguments section).